

1 **CHRISTOPHER ASHWORTH (SBN 54889)**
2 **SILICON VALLEY LAW GROUP**
3 **A Law Corporation**
4 **25 Metro Drive, Suite 600**
5 **San Jose, CA 95110**
6 **Telephone: (408) 573-5700**
7 **Facsimile: (408) 573-5701**

8 **Attorneys for Plaintiff,**

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

| | | |
|--|---|------------------------------------|
| 12 DEBORAH A. ZACK, an individual, |) | Case No. C08 00545 JCS |
| |) | |
| 13 Plaintiff, |) | PLAINTIFF'S CASE MANAGEMENT |
| |) | CONFERENCE STATEMENT (NO |
| 14 v. |) | APPEARANCE BY DEFENDANTS) |
| |) | |
| 15 GARY P. MCKAE, an individual; CYNTHIA |) | Time: 1:30 P.M. |
| MCKAE, an individual; and Does through ; |) | Date: May 9, 2008 |
| inclusive, |) | Ctrm: Courtroom "A" |
| |) | |
| Defendants. |) | |
| |) | |

16 Plaintiff Deborah Zack files this Case Management Statement as follows:

17 **1. Request for Default.** The defendants have failed to respond to the complaint on file herein.
18 On May 7, 2008, plaintiff filed its request for the clerk to enter default in accordance with FRCP Rule
19 55(a). Prior to the request for entry of default, the defendants were represented By James Thompson of
20 Redwood City. Plaintiff's counsel and attorney Thompson worked out a settlement to which defendants
21 orally agreed. Defendants have since discharged attorney Thompson (or were themselves discharged by
22 Thompson). Attorney Thompson's office informs that defendants will not execute the form of
23 settlement agreed upon. Only then did counsel for plaintiff file the request to enter default.

24 **2. Clerk's Form.** Plaintiff has also filed with the clerk a form of default required by FRCP Rule
25 55(a).

26 //

27 //

1 **3. Prove-up.** Plaintiff is prepared to go forward with a prove-up of damages and other relief
2 sought by the complaint.

3 Dated: May 7, 2008

SILICON VALLEY LAW GROUP
A Law Corporation

5 By: /s/Christopher Ashworth
6 CHRISTOPHER ASHWORTH
7 Attorneys for Plaintiff

1 ***George Khoury et al. v. Salim Mourad, et al.***
 2 ***Santa Clara County Superior Court, Case No. 107CV082907***

3 **PROOF OF SERVICE**

4 I declare as follows:

5 I am over eighteen years of age and not a party to the within action; I am employed in the
 6 County of Santa Clara, California; my business address is 25 Metro Drive, Suite 600, San Jose,
 7 CA 95110. On May 7, 2008, I served a true and correct copy of the following document[s], with all
 8 exhibits, if any: **PLAINTIFF'S CASE MANAGEMENT STATEMENT** on the following
 9 party[ies]:

10 Gary P. McKae
 505 Moore Road
 Woodside, CA 94062

Cynthia McKae
 505 Moore Road
 Woodside, CA 94062

11 **[XX] BY MAIL:** I am readily familiar with my employer's business practice for collection and processing of
 12 correspondence for mailing with the United States Postal Service. I served the above document[s] on the party[ies] named
 13 above in the above-referenced matter, by following ordinary business practice, placing a true copy thereof enclosed in a
 14 sealed envelope, for collection and mailing with the United States Postal Service where it would be deposited for first
 class delivery, postage fully prepaid, in the United States Postal Service that same day in the ordinary course of business,
 addressed to the party[ies] at the address[es] listed above. [C.C.P. §1013(a)]

15 **[] BY EXPRESS MAIL:** I served the above document[s] on the party[ies] named above, in the above-referenced
 16 matter, by placing the above-named document[s] in a sealed envelope and depositing them in a mailbox regularly
 17 maintained by the United States Postal Service for receipt of Express Mail, at _____ Post Office, _____,
 California, with Express Mail postage thereon fully prepaid, addressed to the party[ies] at the address[es] listed above.
 [C.C.P. §1013(c)]

18 **[] BY FEDERAL EXPRESS:** I served the above-named document[s] on the party[ies] named above, in the above-
 19 referenced matter, by depositing the above document[s] in a box or other facility regularly maintained by Federal Express,
 20 in an envelope or package designated by Federal Express, with delivery fees paid on prepaid account, addressed to the
 party[ies] at the address[es] listed above. [C.C.P. §1013(c)]

21 **[] BY FACSIMILE:** On February 1, 2008, by use of fax machine number [408] 573-7864 or [408] 573-5720, I served
 22 the above-named document[s] on the party[ies] named above, in the above-referenced matter, by transmitting by fax
 23 machine to each party's fax machine number listed above. The fax machine I used complied with California Rules of
 Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I
 caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

24 **[] BY PERSONAL DELIVERY:** By having said document[s] hand delivered to the party[ies] listed above at the
 address[es] listed above.

25 I declare under penalty of perjury under the laws of the state of California that the foregoing is
 26 true and correct, and that this declaration was executed on May 7, 2008, at San Jose, California.

27 
 Debi Adams